

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW  
YORK,

*Plaintiff*

v.

NORTONLIFELOCK INC.,

*Defendant.*

Civil Action No. 3:13-cv-00808-MHL

**DEFENDANT NORTONLIFELOCK'S STATEMENT IN RESPONSE TO  
COLUMBIA'S MOTION FOR AN ORDER TO SHOW CAUSE**

Defendant NortonLifeLock Inc. (“Norton”), on its behalf and on behalf of its counsel Latham & Watkins (“Latham”), responds to Columbia’s motion for an order to show cause regarding why Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”) should not be held in civil contempt for failure to comply with the Court’s March 15, 2022 Order (Dkt. 890) (the “Order”). *See* Dkt. 1229. Quinn Emanuel is filing a separate response on its behalf to address the merits of Columbia’s motion.<sup>1</sup>

Latham began representing Norton *after* the Court issued its Order. *See* Dkts. 979-86 (Court granting *pro hac vice* motions at the end of March and early April 2022). As noted in filings before trial, both Latham and Norton disclosed all of their communications with Dr. Dacier. Latham provided a full record of all of its correspondence with Dr. Dacier (taking place from April 5-7, 2022), which reflect its effort to secure his presence at trial. Dkt. 1084-2 at 6-7 (provided to Columbia); Dkt. 1084-1 (provided to the Court); *see also* Dkt. 1085 at 1-2; 1088-1 at 3-5; Dkt. 1229 at 4. And Norton, after a comprehensive search, produced an email from former in-house counsel David Majors simply confirming Quinn Emanuel as Dr. Dacier’s counsel and asking him to direct any questions to his counsel. Dkt. 547-13; *see also* Dkt. 1088-1 at 1. Latham and Norton do not possess additional communications with Dr. Dacier, including any subject to the Court’s Order. When asked by Columbia on April 8, 2022 to provide all communications between Dr. Dacier and Quinn Emanuel, Columbia was told that “Latham does not have these documents and so far as we know, Norton has never seen them and is not in possession of them.” Dkt. 1084-2 at 4.

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<sup>1</sup> Columbia’s motion is directed to “counsel for Norton” but at the time of the Order, Latham was not counsel to Norton. Dkt. 1229 at 2 n.2 (Columbia recognizing that “the Order was directed against Counsel only … this motion is directed against Counsel only.”); *see also id.* at 1 (defining “Counsel” as “Norton’s counsel to whom the Court’s Order was directed”).

Dated: June 3, 2022

Respectfully submitted,

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